

The Honorable John H. Chu

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

No. 2:23-cv-00932-JHC

**DECLARATION OF LAURA
FLAHIVE WU IN SUPPORT OF
DEFENDANT'S MOTION TO
SEAL COMMERCIALY
SENSITIVE AND IRRELEVANT
INFORMATION**

I, Laura Flahive Wu, declare as follows:

1. I am an attorney at the law firm Covington & Burling LLP ("Covington"), counsel for Defendant Amazon.com, Inc. ("Amazon"). Unless otherwise noted, the matters set forth herein are true and correct to the best of my own knowledge and, if called as a witness, I could and would testify competently thereto.

2. I submit this declaration in support of Amazon's Motion to Seal Commercially Sensitive and Irrelevant Information.

3. In its motion, Amazon moves to permanently seal portions of the following documents that the FTC filed under temporary seal on June 21, 2023 and which the Court ordered temporarily sealed on July 3, 2023 (Dkt. 13-1):

- Complaint (Dkt. #3);

- FTC's Motion to Desequester Documents Clawed Back by Defendant (Dkt. #4); and
- Attachments 1, 2, 3, 10, 11, 18, 24, 28, and 29 to the Declaration of Adam Rottner (Dkt. #4-1).

4. For the Court's convenience, I have attached to my declaration—and will file under seal pursuant to the Court's July 3, 2023 Order—true and correct copies of the documents at issue that I have had highlighted to indicate the specific portions Amazon moves to seal. These highlighted copies are identified as follows:

Document	Declaration Exhibit
Complaint (Dkt. # 3)	A
Motion to Desequester (Dkt. # 4)	B
Attachment 1 to Rottner Declaration (Dkt. #4-1)	C
Attachment 2 to Rottner Declaration (Dkt. #4-1)	D
Attachment 3 to Rottner Declaration (Dkt. #4-1)	E
Attachment 10 to Rottner Declaration (Dkt. #4-1)	F
Attachment 11 to Rottner Declaration (Dkt. #4-1)	G
Attachment 18 to Rottner Declaration (Dkt. #4-1)	H
Attachment 24 to Rottner Declaration (Dkt. #4-1)	I
Attachment 28 to Rottner Declaration (Dkt. #4-1)	J
Attachment 29 to Rottner Declaration (Dkt. #4-1)	K

5. On July 14 and 17, 2023, counsel for the parties met and conferred by email and videoconference, respectively, in an attempt to reach agreement on the need to file the above documents under seal, to minimize the amount of material filed under seal, and to explore redaction and other alternatives to filing under seal. The participants of the conference on behalf of Amazon were Laura Flahive Wu, Kevin Kelly, and Ryan Miller and on behalf of the FTC

were Evan Mendelson, Olivia Jerjian, Elena Hoffman, Max Nardini, Jacob Frech, and Ryan Zwonik (the emails on July 14 were sent by Olivia Jerjian for the FTC and Laura Flahive Wu for Amazon). Through that conferral process, the parties (a) agreed to unseal some of the material the Court temporarily sealed, (b) agreed to permanently seal (subject to Court approval) other material the Court temporarily sealed, and (c) did not reach agreement on whether other material should remain sealed.

6. Within the attached exhibits, blue highlighting indicates sections that Amazon moves to seal because they contain highly confidential and commercially sensitive business information, which the FTC *has not* stipulated to sealing. Green highlighting indicates sections that Amazon moves to seal because they contain irrelevant private information or references to non-public investigations and which the FTC *has* stipulated to sealing. For example, on July 14, 2023, the FTC stipulated to sealing both the names and photographs in Attachment 28. On July 17, 2023, the FTC stipulated to sealing the portions of Attachments 1, 2, 10, and 11 which Amazon had identified as containing references to other non-public investigations. Any other highlighting in these documents, including the dark green highlighting on page 13 in Exhibit T, are unrelated to Amazon's motion to seal.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on July 17, 2023.

By 
Laura Flahive Wu